

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Victor Allen Holman,

Plaintiff,

v.

Case No. 1:06cv208

State of Ohio,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed December 12, 2006 (Doc. 12).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Respondent's Motion to Dismiss (Doc. 11) is **GRANTED** and barred from appeal consistent with the Report and Recommendation by the Magistrate Judge. Application of appeal *in forma pauperis* by this Petitioner would not be taken in good faith and will be denied without a showing of financial necessity. This action is dismissed with prejudice.

**IT IS SO ORDERED.**